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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/884,375

06/18/2001

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T00087

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33438 7590 07/26/2007
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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/884,375

Applicant(s)

BONNEAU ET AL.

Examiner

Ella Colbert

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3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12, 15, 21, 22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 15, 21, 22, 24, and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 11, 12, 14, 15, 21, 22, 24, and 25 are pending in this communication. Claims 11, 12, 14, and 21 have been amended in the response filed 5/15/07 entered as Response After Non-Final Action and Request for Extension of Time.
2. The Drawing and Specification Objections have been overcome by Applicants' amendments to the Specification and are hereby withdrawn.
3. The Objections to claims 11, 12, and 14 have been overcome by Applicants' amendments to the claims and are hereby withdrawn. However, there are still remaining Objections to the claims as set forth here below.
4. The 35 USC 112, second paragraph rejections for claims 11, 12, 21, and 22 as being incomplete for omitting essential steps still remains as set forth here below.

Claim Objections

5. Claims 11, 21, and 24 are objected to because of the following informalities:
Claim 11 recites "a method for generating, ..., ..., ..., each leaf node ... constraints of the leaf node and each ancestor node, ..., of the leaf node, ..., if any, of the leaf node ..., if any, of the leaf node ..., the method comprising: generating ..., ...: establishing ..., wherein ..., if any, of the leaf node, and each rule ...by the leaf node and each ancestor node, if any, of the leaf node in the aggregation ... by the leaf node and ..., if any, of the leaf node in the aggregation of constrains are logically aggregated together;". It appears that this section of the preamble and claim limitation should recite "a method for generating, ..., ..., ..., each leaf node ... constraints of the leaf nodes and each ancestor node, ..., of the leaf nodes, ..., if any, of the leaf nodes ..., if any, of the leaf

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nodes ..., the method comprising: generating ..., ...: establishing ..., wherein ..., if any, of the leaf nodes, and each rule ... by the leaf nodes and each ancestor node, if any, of the leaf nodes in the aggregation ... by the leaf nodes and ..., if any, of the leaf nodes in the aggregation of constraints are logically aggregated together;”. Claim 21 has a similar problem. Also, claim 21 after “hierarchy” should have a comma before the “wherein” clause in place of the semi-colon.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 11, 12, 21, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Claim 11 recites in lines 31 and 32 page 4 and page 5 lines 33-41 “for each leaf node ... hierarchy if the rule ... hierarchy if the rule ...; and for each ancestor ..., including ... if at least one leaf node ...;”. A step is omitted between lines 36 and 37 and lines 41 and 42 on page 5. The omitted step is “for each leaf node in the primary hierarchy including the leaf not from the primary hierarchy ... if the rule is not associated with the leaf node is not included in the subset of rules and the leaf node is not excluded from the browse hierarchy if the rule is not associated with the leaf node in the subset of rules; ...; (insert after line 41) for each ancestor node in the primary hierarchy, including the ancestor node from the primary hierarchy if at least one leaf node of the ancestor node is not

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included in the custom browse hierarchy and otherwise including the ancestor node form the custom browse hierarchy;”. Claims 12, 21, and 22 have a similar problem.

8. Claims 11 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 21 recite “represents a pared version of the primary hierarchy”. It is unclear and not understood whether Applicants’ mean “represents a paired version of the primary hierarchy” because it is unclear what “represents a pared version of the primary hierarchy” means. The definition of pared is to “cut or trim away the (rind, skin, covering, etc.) of anything or to reduce gradually.”

Claims 12, 14, 15, 22, 24, and 25 are also rejected because of their dependency on a rejected base claim.

Conclusion

9. Comments: Once the Objections and Rejections have been resolved and if no art is found to reject the claims in an extensive updated search the application will be allowed.

Inquiries


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Wednesday, and Thursday, 5:30AM-3:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 16, 2007


ELLA COLBERT
PRIMARY EXAMINER